

# Notice of Allowability

Application No.

09/763,440

Examiner

Vincent F. Boccio

Applicant(s)

DE HAAN, WIEBE

Art Unit

2621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Brief filed on 7/11/06.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 1/11/06.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Vincent F. Boccio  
Primary Examiner  
Art Unit: 2621

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

**Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

This examiner's amendment is directed to enter claims filed after final 1/26/06. The after final contains claims 1-16, which adds claims 15-16 {to original claims 1-14}, as desired by applicant in view the after final response.

**{A} Enter the after final proposed amendment of 1/12/06, comprising claims 1-16.**

**"Reasons For Allowance"**

1. The following is an examiner's statement of reasons for allowance:

The arguments of record are accepted in the brief.

After a careful consideration the prior art against the independent claims fails to show at the end of a video object (such as a movie) a buffer cell that is not referenced by a playback sequence. The buffer cell it is just an empty area being an empty non-functional descriptive material area, for such as multimedia or for example video or a video object (as claimed).

While the prior art does show a buffer area, after a careful consideration, the area is at an end of the VOB, which is a sub level data structural element with respect to the DVD standard, while the cell as claimed is an upper level data structure, differentiating itself from the prior art.

Furthermore, the prior art does provide for an area of a VOB being a buffer area it is only a portion of the VOB wherein the VOB has usable data and therefore is deemed

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referenced, as understood since part of a VOBV having content, as argued and accepted by the examiner.

The 112 USC 2, after a careful consideration is dropped, it is after a careful review that, there can be an area having only a header and further the area can only include a header with no dummy data, but merely unused bits having no pattern.

The new claims the examiner is directing to enter, presented after final, helps to clarify the decision to drop the indefinite rejected is that as recited, "the buffer cell contains dummy data", the dummy data is known and conventional to have a pattern, not specifically required, but is known in the art. While it is not necessary to have a pattern to the data and still be a buffer cell area only comprising a header or Navigation pack (claim 14 for example) and therefore would have an open area which has no set pattern, part of the buffer cell having only a navigation pack is now clear, as understood.

The arguments presented reflect some of the examiner's positions taken and are also additionally acceptable reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Contact Fax Information**

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
10/16/06

  
VINCENT BOCCIO  
PRIMARY EXAMINER